

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE BOARD OF REGENTS OF THE  
UNIVERSITY OF WASHINGTON,

Plaintiff,

v.

EMPLOYERS INSURANCE COMPANY  
OF WAUSAU, A LIBERTY MUTUAL  
COMPANY,

Defendant.

No.: 2:22-cv-1538

NOTICE OF REMOVAL

Defendant Employers Insurance Company of Wausau (“Employers”) hereby removes  
the above captioned lawsuit to this Court pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446.

**I. PROCEDURAL POSTURE**

1. On September 23, 2022, Plaintiff The Board of Regents of the University of  
Washington filed a Complaint (the “Complaint”) in the lawsuit captioned *The Board of  
Regents of the University of Washington v. Employers Insurance Company of Wausau*,  
Washington State Superior Court, King County Case No. 22-2-15472-1 SEA (the “State  
Court Action”).

2. Plaintiff served a copy of the summons and Complaint on the Office of the

1 Washington Insurance Commissioner (the “Commissioner”) on September 28, 2022. The  
 2 Commissioner thereafter forwarded the summons and Complaint to Employers on October 4,  
 3 2022. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being  
 4 filed within 30 days after receipt by Employers of the initial pleading setting forth the claim  
 5 upon which the State Court Action is based.<sup>1</sup>

## 6 **II. GROUND FOR REMOVAL**

7 3. The State Court Action is removable under 28 U.S.C. § 1441(b) because this  
 8 Court has diversity jurisdiction under 28 U.S.C. § 1332(a).

9 4. Complete diversity exists because Plaintiff and Employers are not citizens of  
 10 the same state.

11 5. Plaintiff is a citizen of the State of Washington.

12 6. Employers is a corporation organized under the laws of the State of Wisconsin  
 13 with its principal place of business in Boston, Massachusetts.<sup>2</sup> Employers is therefore a  
 14 citizen of the states of Wisconsin and Massachusetts for jurisdictional purposes.

15 7. Because Plaintiff is not a citizen of Wisconsin or Massachusetts, complete  
 16 diversity exists.

17 8. The amount in controversy is satisfied because Plaintiff alleges it is owed  
 18 “hundreds of millions of dollars in unreimbursed losses, costs, and expenses” from  
 19 Employers.<sup>3</sup> The amount in controversy therefore exceeds the sum or value of \$75,000,  
 20 exclusive of interest and costs.

21  
 22  
 23 <sup>1</sup> See *Anderson v. State Farm Mut. Auto. Ins. Co.*, 917 F.3d 1126, 1130 (9th Cir. 2019) (holding that  
 24 “the thirty-day removal clock under 28 U.S.C. § 1446(b)(1) does not begin upon service on and  
 receipt by a statutorily designated agent and began in this case only when [the insurer] actually  
 received [the insured’s] complaint”).

25 <sup>2</sup> Compl., ¶ 5.

26 <sup>3</sup> Compl., ¶ 1.

1 **III. VENUE AND INTRADISTRICT ASSIGNMENT**

2 9. Venue is proper in the United States District Court for the Western District of  
3 Washington based on 28 U.S.C. § 1441(a) because this is the district embracing the county  
4 where the State Court Action is pending.

5 10. Assignment is proper to the Seattle Division because the State Court Action  
6 was filed in King County, Washington.

7 **IV. STATE COURT PLEADINGS**

8 11. In accordance with 28 U.S.C. §1446(a) and LCR 101, true and correct copies  
9 of the process, pleadings, and orders, as well as all additional records and proceedings in the  
10 State Court Action accompany this Notice of Removal as Exhibit A.

11 12. In accordance with 28 U.S.C. § 1446(d), Employers will file a Notice to  
12 Plaintiff and State Court Clerk in King County Superior Court of Removal to the U.S.  
13 District Court, attached to which will be a copy of this Notice.

14 13. By filing this Notice, Employers does not waive and instead it expressly  
15 reserves all rights, defenses or objections of any nature that it may have against Plaintiff's  
16 claims.

17 DATED: October 28, 2022

18 BULLIVANT HOUSER BAILEY PC

19  
20 By /s/ Daniel R. Bentson  
21 Daniel R. Bentson, WSBA #36825  
22 E-mail: dan.bentson@bullivant.com

23 By /s/ Jared F. Kiess  
24 Jared F. Kiess, WSBA #54532  
25 E-mail: jared.kiess@bullivant.com

26 Attorneys for Defendant Employers Insurance  
Company of Wausau

**CERTIFICATE OF SERVICE**

I hereby certify that on October 28, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF e-filing system which will send notification of such filing to the persons listed below:

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via hand delivery.

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Bradley H. Dlatt (pro hac vice to be filed)

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*Attorneys for Plaintiff*

DATED this 28th day of October, 2022.

s/ Sally Gannett

Sally Gannett, Legal Assistant